

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WENDELL H. STONE COMPANY, INC.

individually and on behalf of all others

similarly situated doing business as

STONE & COMPANY,

18cv1135

ELECTRONICALLY FILED

Plaintiff,

v.

PC SHIELD INC. *an Oklahoma corporation,*

and BRANDIE M. Jordan, *an individual,*

Defendants.

Memorandum Order on Plaintiff's Renewed Motion for Default Judgment ([Doc. 38](#))

Pending before the Court is Plaintiff's Renewed Motion for Default Judgment. ([Doc. 38](#)). On December 4, 2019, the Court certified the class in this action after determining that Plaintiff had met the requirements of Federal Rules of Civil Procedure 23(a), 23(b)(2), and 23(b)(3). (Doc. 40). A class certified under Federal Rule of Civil Procedure 23(b)(3) must be notified, and class members given the opportunity to opt out, prior to any judgment being entered that could be binding on them. Fed. R. Civ. P. 23(c)(2)(B); *Fayun Luo v. Qiao Xing Universal Resources*, Civ. No. 12-0045, 2017 WL 2470248, *4 (D.V.I. Jun. 6, 2017). Therefore, Plaintiff's Renewed Motion for Default Judgment is denied without prejudice, and Plaintiff may re-file said motion after notice has been given to class members and the opt-out period has closed.

SO ORDERED, this 4th day of December, 2019,

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: All counsel of record